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PART II—Section 2

Bills and Reports of Select Committees on Bills

PARLIAMENT OF INDIA

The following Bills were introduced in Parliament on the 8th May, 1951:—

BILL No. 46 OF 1951

A Bill to define and limit the powers of certain courts in punishing contempts of courts.

Be it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Contempt of Courts Act, 1951.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definition.—In this Act, “High Court” means the High Court for a Part A State or a Part B State, and includes the Court of the Judicial Commissioner in a Part C State.

3. Power of High Court to punish contempts of subordinate courts.—

(1) Subject to the provisions of sub-section (2), every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself.

(2) No High Court shall take cognizance of a contempt alleged to have been committed in respect of a court subordinate to it where such contempt is an offence punishable under the Indian Penal Code (Act XLV of 1860).

4. Limit of punishment for contempt of court.—Save as otherwise expressly provided by any law for the time being in force, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court:

Provided further that notwithstanding anything elsewhere contained in any law for the time being in force, no High Court shall impose a sentence in excess of that specified in this section for any contempt either in respect of itself or of a court subordinate to it.

5. Power of High Court to try offences committed or offenders found outside jurisdiction.—A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction and whether the person alleged to be guilty of the contempt, is within or outside such limits.

6. Repeals and savings.—(1) The Contempt of Courts Act, 1926 (XII of 1926), and the enactments specified in the Schedule are hereby repealed.

(2) Section 6 of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal of any of the laws specified in the Schedule as it applies to the repeal of the Contempt of Courts Act, 1926 (XII of 1926).

THE SCHEDULE

(See section 6)

<i>Short title and description of enactment</i>	<i>Extent of repeal</i>
1. The Contempt of Courts Act, IV of 1355F., as in force in the State of Hyderabad.	The whole.
2. The Indore Contempt of Courts Act, No. V of 1930, as in force in the State of Madhya Bharat.	The whole.
3. The Contempt of Courts Act, Gwalior State, Samvat 2001, as in force in the State of Madhya Bharat.	The whole.
4. The Contempt of Courts Act, 1930 (XI of 1930), as in force in the State of Mysore.	The whole.
5. The Contempt of Courts Act, S. 1991 (V of S. 1991), as in force in the Patiala and East Punjab States Union.	The whole.
6. The Patiala and East Punjab States Union Judicature Ordinance, S. 2005 (X of S. 2005).	Section 33.
7. The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Rajasthan before the commencement of this Act.	The whole.
8. The Contempt of Courts Act, 1926 (XII of 1926), as in force in the State of Saurashtra before the commencement of this Act.	The whole.
9. The High Court of Judicature Saurashtra State Ordinance, 1948 (Saurashtra Ordinance II of 1948).	Section 31.
10. The Cochin Contempt of Courts Act (XXXII of 1111), as in force in the State of Travancore-Cochin.	The whole.

STATEMENT OF OBJECTS AND REASONS

The Constitution recognises the power of High Courts to punish for contempts of them; but there is no specific provision of law which enables a High Court to exercise this power in respect of a contempt committed beyond its territorial jurisdiction. It is desirable that a High Court as a court of record, should be able to punish for contempt of itself and of

courts subordinate to it irrespective of whether the contempt is committed within or outside its territorial jurisdiction and irrespective of whether the alleged contemner is for the time being at a place within or outside such jurisdiction. The Bill seeks mainly to achieve this object. Incidentally the Act is sought to be made applicable to Part B States also, the local laws on the subject being repealed.

C. RAJAGOPALACHARI.

NEW DELHI;

The 26th April, 1951.

BILL* No. 47 OF 1951

A Bill to promote "Go-samvardhana" and for matters connected therewith.

BE it enacted by Parliament as follows:—

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Go-samvardhan Act, 1951.

(2) It extends to all Part C States.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) "bovine cattle" means cows, bulls and bullocks and includes their young ones;

(b) "Central Council" means the Central Council of Go-samvardhana constituted under section 3;

(c) "donor" means a person who, after the commencement of this Act, donates a sum of money to a registered goshala, or the Fund;

(d) "Fund" means the Go-samvardhan Fund established under section 10;

(e) "godan" means any property dedicated, donated, or earmarked for the preservation, protection or improvement of bovine cattle, whether such property is vested in a trustee or not;

(f) "Go-samvardhana" means the preservation, protection or improvement of, or the prevention of cruelty to, bovine cattle;

(g) "goshala" means a charitable institution established for the preservation, protection or improvement of bovine cattle, and includes a gosadan, a pinjrapole or any other similar institution wherein infirm, aged, diseased or unproductive bovine cattle are kept;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "registered goshala" means a goshala registered under this Act;

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Parliament the introduction and consideration of the Bill.

- (j) "State" means a Part C State;
- (k) "State Council" means a Council constituted under section 6;
- (l) "trustee" means a person who is in charge of the administration of a goshala and the properties belonging thereto, and includes the manager of a goshala;

The Central Council of Go-samvardhana

3. Constitution of the Central Council.—(1) The Central Government may, by notification in the Official Gazette, constitute a Council to be called the Central Council of Go-samvardhana.

(2) The Central Council shall consist of such number of persons and shall be constituted in such manner as may be prescribed.

(3) The Central Council constituted as aforesaid shall be a body corporate known by the name aforesaid, having perpetual succession and a common seal, with power to acquire, receive, hold and dispose of property, both movable and immovable and to contract, and shall by the said name sue and be sued.

4. Functions of the Central Council.—(1) Subject to any rules that may be made under this Act, it shall be the duty of the Central Council to take such measures as, in its opinion, may be necessary for Go-samvardhana.

(2) The Central Council may make regulations for carrying out any of its duties under sub-section (1), and, without prejudice to the generality of that power, any such regulations may provide for—

- (a) the establishment and maintenance of goshalas;
- (b) the prevention of slaughter of useful and productive bovine cattle;
- (c) the establishment of veterinary and breeding centres for bovine cattle;
- (d) the prevention of the extension from one State to another of infectious or contagious diseases affecting bovine cattle;
- (e) the collection of statistics in relation to any of the matters referred to in this section;
- (f) the carrying on of propaganda in relation to any of the aforesaid matters; and
- (g) such other matters as may be prescribed.

(3) Any regulation made by the Central Council under this section may provide—

- (a) that any of the functions of the Central Council may be performed by State Councils generally or in relation to any State by the State Council for that State;
- (b) that a contravention thereof shall be punishable with fine which may extend to one hundred rupees or with imprisonment which may extend to one month or with both.

(4) The power to make regulations conferred upon the Central Council under this section shall be subject to the condition of previous publication, and no such regulation shall take effect until it has been approved by the Central Government and published in the Official Gazette.

5. Vacancies, etc., in Central Council not to invalidate acts and proceedings.—No act done or proceedings taken under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Central Council.

State Council

6. Constitution and functions of State Councils.—(1) The Central Government may, by notification in the Official Gazette, constitute for each State a State Council.

(2) The State Council shall consist of such number of persons and shall be constituted in such manner as may be prescribed:

Provided that due provision shall be made in any rules made in this behalf for the election of not less than two persons to represent the registered goshalas in the State.

(3) Subject to the general superintendence and control of the Central Council, a State Council shall perform such functions as may be prescribed.

Registration of goshalas

7. Goshalas to be registered.—(1) It shall be the duty of every trustee of a goshala to have the goshala of which he is a trustee registered under this Act.

(2) Every application for the registration of a goshala shall be made in writing to such officer and in such form and shall be accompanied by such fee as may be prescribed.

(3) The application shall—

(a) in the case of a goshala established before the commencement of this Act, be made within six months of such commencement; and

(b) in the case of a goshala established after the commencement of this Act, within six months of such establishment.

(4) The application shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf and shall be accompanied by a copy of the instrument of trust, if any.

8. Power to compel registration.—Where a goshala requiring to be registered under this Act has not been so registered, the prescribed officer may, either on his own motion or on the application of any person interested in the goshala, cause a notice to be served on the trustee of the goshala to have the goshala registered under this Act within such time as may be specified in the notice.

9. Inquiry and making of entries in the register.—(1) On receipt of an application under section 7 or section 8, the prescribed officer of the State Council within the limits of whose jurisdiction the goshala is situated shall make such inquiry as may be prescribed for the purpose of verifying the correctness of any of the particulars that have been furnished or for the purpose of obtaining such further information as he may require, and thereafter make such entries in relation to the goshala as may be prescribed in a register to be called the "Register of Goshalas" kept for the purpose.

(2) The entries so made shall, subject to the other provisions contained in this Act and the rules made thereunder, be final and conclusive as respects the matters contained therein.

Establishment of the Go-samvardhan Fund

10. The Go-samvardhan Fund.—(1) There shall be established a Fund to be called the Go-samvardhan Fund which shall vest in the Central Council.

(2) The following sums shall be credited to the Fund, namely:—

- (a) any sums received from the Central Government;
- (b) any private donations made to the Central or a State Council;
- (c) the proceeds of the cess levied on the sale of bovine cattle under this Act;
- (d) the registration and other fees leviable under this Act.

11. Application and investment of the Fund.—(1) The Fund shall be applied towards meeting the expenses of the Central Council and the State Councils, if any, and the cost of the measures referred to in section 4.

(2) The Fund shall be invested in such manner as may be prescribed.

12. Grants from the Fund.—The Central Council may from time to time make such grants from the Fund to the State Councils as may be necessary to enable them to discharge their functions under this Act.

Cess on sale of bovine cattle

13. Levy of cess on sale of bovine cattle.—(1) There shall be levied a cess at such rate as may be prescribed on the sale in any fair, market, or other public place of bovine cattle.

(2) Nothing in this section shall affect the levy of any cess or tax on the sale of bovine cattle under any other law for the time being in force.

14. Power of officers of State Council to visit public places where bovine cattle are sold.—The chief executive officer of a State Council or such other person as may be authorised by him in this behalf may visit any cattle fair, market or other public place where bovine cattle are sold for the purpose of determining or recovering the cess levied under section 13.

15. Recovery of cess.—Subject to any rules that may be made under this Act, any cess leviable under section 13 may be recovered in the same manner as an arrear of land revenue.

16. Proceeds of cess to be credited to the Fund.—The proceeds of the cess levied under section 13 shall, after deducting the expenses, if any, relating to the collection and recovery thereof, be paid to the Central Council and the Central Council shall credit the said proceeds to the Fund.

17. Disputes about cess.—If any question arises whether a cess is payable under this Act, it shall be referred to the Central Government or such officer or authority as the Central Government may appoint in this behalf, and the decision thereon of the Central Government or the officer or authority, as the case may be, shall be final.

Penalties and procedure

18. Penalties.—Any trustee who fails to comply with the provision contained in sub-section (1) of section 7, or with any notice served on him under section 8 shall be punishable with fine which may extend to five hundred rupees.

19. Cognizance of offences.—(1) No prosecution under this Act shall be instituted except on the complaint in writing of such authority as the Central Government may specify in this behalf.

(2) No court inferior to that of a magistrate of the second class shall try any offence under this Act.

Miscellaneous

20. Inspection of goshalas.—Such officer of a State Council as may be authorised by it in this behalf may enter into and inspect any goshala or any place appertaining thereto for the purpose of satisfying himself whether the provisions of this Act and the rules made thereunder are being complied with.

21. Officers holding inquiries to have powers of civil court.—Every officer holding an inquiry under this Act, or the rules made thereunder, shall have and may exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses;
- (c) compelling the production of documents and impounding the same;
- (d) examining witnesses on oath;
- (e) reception of evidence on affidavits;
- (f) issuing commissions for the examination of witnesses;

and shall be deemed to be a civil court within the meaning of section 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

22. Bar of jurisdiction.—Save as otherwise expressly provided in this Act, or the rules made thereunder, no civil court shall have jurisdiction in respect of any matter which any authority is empowered by or under this Act, to determine.

23. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Council or a State Council or any member or officer thereof or anything which is in good faith done or intended to be done under this Act.

24. Effect of inconsistent provisions.—The provisions of this Act and any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

25. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the constitution of the Central Council and the term of office of its members;
- (b) the appointment of the Chairman and Vice-Chairman of the Central Council, and the co-option of members thereto;

(c) the appointment of an Executive Committee to function as the executive authority of the Central Council, and the constitution, powers and functions of the Executive Committee;

(d) the appointment of members of the staff of the Central Council, and their terms and conditions of service;

(e) the powers and duties of the Chairman, Vice-Chairman and employees of the Central Council;

(f) the time and place of meetings of the Central Council and the Executive Committee and the procedure to be adopted thereat;

(g) the preparation and submission to the Central Government of periodical statements of the estimated receipts and expenditure of the Central Council, and the time within which, and the manner in which, the accounts of the Central Council shall be audited;

(h) the books of accounts to be maintained by the Central Council;

(i) the constitution and functions of State Councils, the terms of office of members thereof, the appointment of members of the staff of State Councils and their terms and conditions of service;

(j) the rate, incidence and manner of collection of the cess on the sale of bovine cattle;

(k) the form in which applications for registration of goshalas shall be made and the fees payable in respect of such applications;

(l) the form and manner in which any inquiry under this Act may be made;

(m) the inspection of goshalas;

(n) the form of the Register of Goshalas, the entries to be made therein, and the cases and circumstances in which applications for amendments of the entries shall be made by any person concerned;

(o) the maintenance of accounts by the trustees of a registered goshala and the audit of such accounts;

(p) the cases in which appeals may be preferred under this Act and the authorities to which, the form in which and the time within which, any such appeal may be preferred, and the fees which may be levied on any such appeal;

(q) the powers of control and superintendence which may be exercised by the Central Council over State Councils;

(r) any other matter which has to be or may be prescribed under this Act.

(3) A rule made under this section may provide that a contravention thereof shall be punishable with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.